

JOHN P. HEHMAN
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2013 MAY 20 PM 2:24

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

JACK E. FURAY,) Case No.: 2:12-cv-1049
v. Plaintiff) District Judge Sargus
LVNV FUNDING, LLC) Magistrate Judge King
RESURGENT CAPITOL SERVICES, LP)
Defendants) MOTION TO COMPEL
) DEFENDANTS TO ANSWER
) DISCOVERY
)

**PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS, AND
ANSWERS TO INTERROGATORIES.**

Plaintiff moves for an order compelling Defendants LVNV Funding, LLC and Resurgent Capitol Services, LP to produce documents withheld and to answer Interrogatories with complete answers as the answers sought are relevant to this action before the Court..

I. Background

On March 29, 2013 Plaintiff submitted Interrogatories one thru eight, a Request for Production, and Request for Admissions to Defendants LVNV Funding, LLC and Resurgent Capitol Services, LP. through their Counsel Boyd W. Gentry (0071057). On or about April 24, 2013 Plaintiff received the Defendant Resurgent Capitol Services, LP answer to Request for Admissions. No answer to Request for Admissions was received from LVNV Funding, LLC. On May 2, 2013 Plaintiff sent a letter to Defendants Counsel informing him of the none response of LVNV Funding, LLC to Plaintiff's Request for Admissions. On May 10, 2013 Plaintiff called Defendants Counsel in an attempt to have a phone conference on Discovery and left a message for him to call the Plaintiff. On May 13, 2013 Plaintiff again called Counsel for the Defendants and left a message to call Plaintiff. On May 14 at 8:15 AM and again at 10:10 AM on the 14th and Plaintiff called Defendants Counsel and left a message each time to call Plaintiff. On May 15, 2013 Counsel for Defendants called Plaintiff. Plaintiff asked Counsel if he was going have Defendants answer Discovery and Counsel said that it had been answered.

II. Argument

Defendants repeatedly answer in their answers to Interrogatories Nos.1, 2, 4, 5, and 6, "The methods/process used by Defendant do not (does not) tend to prove the elements to Plaintiff's claims." The answers sought by Plaintiff in Plaintiff's Interrogatories Nos. 1, 2, 4, 5, and 6 will most definitely tend to prove the elements to Plaintiff's claim. This is the very reason Defendants **do not want** to provide answers to Plaintiff's Interrogatories. Defendants repeatedly answer in their answers to Interrogatories Nos. 3, 7, and 8 "This information sought does not tend to prove the elements to Plaintiff's claim." Once again the answers will most definitely tend to prove the elements to Plaintiff's claim. This again is the very reason Defendants **do not want** to provide answers to Plaintiff's Interrogatories.

Defendants have not answered Plaintiff's Request for Production of Documents. The only answer supplied by Defendants was "see attached documents marked 1-69." These documents, 1-69, do not in any way shape or form give a reason for Resurgent Capitol Services, LP to obtain Plaintiff's Credit Report on April 14, 2011. The documents are labeled Exhibits A through I. Exhibit A does nothing to show a permissible purpose to obtain Plaintiff's Credit Report and Exhibits B through I are all dated after April 14, 2011, in fact all in 2012, and are not relevant as to why Plaintiff's Credit Report was obtained on April 14, 2011. Once again Defendants are making statements to mislead the Plaintiff into thinking Plaintiff has asked for documents to be produced that are not relevant to this instant case. All Documents requested are relevant to this action before the Court and this Honorable Court should Compel Defendants to answer Plaintiff's Interrogatories and Request for Production of Documents.

III. REQUESTED RELIEF

The Plaintiff requests that LVNV Funding, LLC and Resurgent Capitol, LP be ordered to provide immediately copies of the information requested by the Plaintiff's Request for Production.

The Plaintiff requests that LVNV Funding, LLC and Resurgent Capitol, LP be ordered to immediately provide Plaintiff with the answers to Plaintiff's Interrogatories.

Respectfully,


Jack E. Furay

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2013 I have caused the attached document to be forwarded by United States Mail postage prepaid, to the Attorney for Defendants Boyd W. Gentry, 2661 Commons Blvd., Suite 100, Beavercreek, Ohio 45431.

Jack E. Furay
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